

GAHC010020132025



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THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)

Case No. : WP(C)/532/2025

NANDINI KAKATI
D/O- RIPUNJAY KAKATI, R/O- FLAT NO 27, BLOCK D, SASHIKUNJ
APARTMENT, SURVEY, BELTOLA ROAD, P.S- HATIGAON, DISTRICT-
KAMRUP (M), ASSAM- 781038

VERSUS

THE STATE OF ASSAM AND 2 ORS
REPRESENTED BY THE ADDITIONAL CHIEF SECRETARY TO THE
GOVERNMENT OF ASSAM, HOME AND POLITICAL DEPARTMENT, DISPUR,
GUWAHATI-781006

2:THE COMMISSIONER AND SECRETARY
TO THE GOVERNMENT OF ASSAM
HOME (A) AND POLITICAL DEPARTMENT
DISPUR
GUWAHATI-781006

3:THE SECRETARY TO GOVERNMENT OF ASSAM
TO THE GOVERNMENT OF ASSAM
HOME (A) AND POLITICAL DEPARTMENT
DISPUR
GUWAHATI
78100

Advocate for the Petitioner : IMSENKALA, MS. B CHOWDHURY,MR A CHOWDHURY

Advocate for the Respondent : GA, ASSAM,

Linked Case : WP(C)/568/2025

NILANJAL GOGOI
S/O LATE GANGA DHAR GOGOI
RESIDENT OF FLAT NO. 2H
CENTURY APARTMENT
GANESHGURI
G S ROAD
NEAR KAR BHAVAN
ASSAM SACHIVALAYA
DISPUR KAMRUP METRO 781006

VERSUS

THE STATE OF ASSAM AND ORS
REP. BY THE ADDITIONAL CHIEF SECRETARY TO THE GOVT. OF ASSAM
HOME AND POLITICAL DEPARTMENT
DISPUR
GUWAHATI-781006

2:THE COMMISSIONER AND SECRETARY
TO THE GOVT. OF ASSAM
HOME (A) AND POLITICAL DEPARTMENT
DISPUR
GUWAHATI-781006

3:THE SECRETARY TO GOVT OF ASSAM
TO THE GOVT. OF ASSAM
HOME (A) AND POLITICAL DEPARTMENT
DISPUR
GUWAHATI-781006

Advocate for : IMSENKALA
Advocate for : GA
ASSAM appearing for THE STATE OF ASSAM AND ORS

Linked Case : WP(C)/542/2025

AKASHEE DUWARAH
D/O HIRANYA KUMAR DUWARAH
RESIDENT OF HOUASE NO 141
WARD NO 12
KB ROAD
KESHAB CHANDRA GOSWAMI PATH

NORTH LAKHIMPUR
PS NORTH LAKHIMPUR
ASSAM 787001

VERSUS

THE STATE OF ASSAM AND 3 ORS
REPRESENTED BY THE ADDITIONAL CHIEF SECRETARY TO THE
GOVERNMENT OF ASSAM
HOME AND POLITICAL DEPARTMENT
DISPUR
GUWAHATI

2:THE PRINCIPAL SECRETARY TO THE GOVERNMENT OF ASSAM
PERSONNEL A
DEPARTMENT
BLOCK A JANATA BHAWAN
DISPUR
GUWAHATI

3:THE COMMISSIONER AND SECRETARY TO THE GOVERNMENT OF
ASSAM
PERSONNEL A
DEPARTMENT
BLOCK A JANATA BHAWAN
DISPUR
GUWAHATI

4:THE SECRETARY TO GOVERNMENT OF ASSAM
PERSONNEL A
DEPARTMENT
DISPUR
GUWAHATI

Advocate for : IMSENKALA

Advocate for : GA

ASSAM appearing for THE STATE OF ASSAM AND 3 ORS

Linked Case : WP(C)/534/2025

RUMIR TIMUNGPI
D/O-MANGAL SING TIMUNG R/O- RONGMILI WARD NO-6
P.O.-DIPHU
P.S. DIPHU
DISTRICT- KARBI ANGLONG

ASSAM- 782460

VERSUS

THE STATE OF ASSAM AND TWO ORS
REPRESENTED BY THE ADDITIONAL CHIEF SECRETARY TO THE
GOVERNMENT OF ASSAM
HOME AND POLITICAL DEPARTMENT
DISPUR
GUWAHATI-781006

2:THE COMMISSIONER AND SECRETARY
TO THE GOVERNMENT OF ASSAM
HOME (A) AND POLITICAL DEPARTMENT
DISPUR
GUWAHATI- 781006

3:THE SECRETARY TO GOVERNMENT OF ASSAM
OF THE GOVERNMENT OF ASSAM
HOME (A) AND POLITICAL DEPARTMENT
DISPUR
GUWAHATI- 781006

Advocate for : IMSENKALA
Advocate for : GA
ASSAM appearing for THE STATE OF ASSAM AND TWO ORS

Linked Case : WP(C)/574/2025

DHIRAJ KUMAR JAIN
S/O- PAWAN KUMAR JAIN
C/O- PAWAN KUMAR JAIN
VILL BIJOYNAGAR
P.S.- PALASHBARI
DIST- KAMRUP
ASSAM
-781122

VERSUS

THE STATE OF ASSAM AND ORS
REP. BY THE ADDITIONAL CHIEF SECRETARY TO THE GOVT. OF ASSAM
HOME AND POLITICAL DEPARTMENT
DISPUR

GUWAHATI-781006

2:THE PRINCIPAL SECRETARY
TO THE GOVT. OF ASSAM PERSONNEL (A) DEPARTMENT
BLOCK-C
JANATA BHAWAN
DISPUR
GUWAHATI-781006

3:THE COMMISSIONER AND SECRETARY
TO THE GOVT. OF ASSAM
HOME (A) AND POLITICAL DEPARTMENT
DISPUR
GUWAHATI-781006

4:THE SECRETARY TO GOVT OF ASSAM
PERSONNEL (A) DEPARTMENT
DISPUR
GUWAHATI-781006

Advocate for : IMSENKALA
Advocate for : GA
ASSAM appearing for THE STATE OF ASSAM AND ORS

Linked Case : WP(C)/533/2025

DR KALYAN KUMAR DAS
S/O- BINANDI DAS
R/O- GAROBASTI
BEHIND GANESH MANDIR 8TH MILE
PO- AMERIGOG
PS-BASTSTHA
DISTRICT- KAMRUP(M)
ASSAM- 781023

VERSUS

THE STATE OF ASSAM AND TWO ORS
REPRESENTED BY THE ADDITIONAL CHIEF SECRETARY TO THE
GOVERNMENT OF ASSAM
HOME AND POLITICAL L DEPARTMENT
DISPUR
GUWAHATI-781006

2:THE COMMISSIONER AND SECRETARY

TO THE GOVERNMENT OF ASSAM
HOME AND POLITICAL DEPARTMENT
DISPUR
GUWAHATI-781006

3:THE SECRETARY TO GOVERNMENT OF ASSAM
TO THE GOVERNMENT OF ASSAM
HOME (A) AND POLITICAL DEPARTMENT DISPUR
GUWAHATI-781006

Advocate for : IMSENKALA
Advocate for : GA
ASSAM appearing for THE STATE OF ASSAM AND TWO ORS

Linked Case : WP(C)/535/2025

MD FARUK AHMED
S/O- LATE MAFIJUDDIN AHMED
R/O- SHOTKHIL VILIAGE
P.O- MORANJANA
PS- RANGLA
DISTRICT- KAMRUP
ASSAM
781354

VERSUS

THE STATE OF ASSAM AND TWO ORS
REPRESENTED BY THE ADDITIONAL CHIEF SECREIARY TO THE
GOVERNMENT OF ASSAM
HOME AND POLITICAL DEPARTMENT
DISPUR
GUWAHATI-781006

2:THE COMMISSIONER AND SECRETARY
TO THE GOVERNMENT OF ASSAM
HOME AND POLITICAL DEPARTMENT
DISPUR
GUWAHATI
781006

3:THE SECRETARY TO GOVERNMENT OF ASSAM
TO THE GOVERNMENT OF ASSAM
HOME (A) AND POLITICAL DEPARTMENT
DISPUR

GUWAHATI
781006

Advocate for : IMSENKALA
Advocate for : GA
ASSAM appearing for THE STATE OF ASSAM AND TWO ORS

Linked Case : WP(C)/539/2025

CHAKRADHAR DEKA
S/O LATE BRAJANTH DEKA

RESIDENT OF BANGAON
PO BANGAON
PS PATHSALA
DIST BAJALI
ASSAM 781375

VERSUS

THE STATE OF ASSAM AND ORS
REPRESENTED BY THE ADDITIONAL CHIEF SECRETARY TO THE
GOVERNMENT OF ASSAM
HOME AND POLITICAL DEPARTMENT
DISPUR
GUWAHATI

2:THE ADDITIONAL CHIEF SECRETARY
GOVERNMENT OF ASSAM
CO OPERATION DEPARTMENT
JANATA BHAWAN
DISPUR
GUWAHATI

3:THE PRINCIPAL SECRETARY
TO THE GOVERNMENT OF ASSAM
COOPERATION DEPARTMENT
ASSAM SCREATRAIAT CIVIL
DISPUR
GUWAHATI

4:THE SECRETARY
TO THE GOVERNMENT OF ASSAM
COOPERATION DEPARTMENT
BLOCK C 4TH FLOOR

JANATA BHAWAN
DISPUR
GUWAHATI

Advocate for : IMSENKALA
Advocate for : GA
ASSAM appearing for THE STATE OF ASSAM AND ORS

Linked Case : WP(C)/536/2025

KULA PRADIP BHATTACHARYYA
S/O-HEMANTA BHATTACHARYYA
R/O. HOUSE NO SEVEN
UDYAN PATH
TRIPURA ROAD BELTOLA
GUWAHATI
DISTRICT-KAMRUP(M)
ASSAM-781028 KAMRUP (METRO)
ASSAM

VERSUS

THE STATE OF ASSAM AND TWO ORS
REPRESENTED BY THE ADDMONAL CHIEF SECRETARY TO THE
GOVERNMENT OF ASSAM
HOME AND POUTICAL DEPARTMENT
DISPUR GUWAHATI-781006

2:THE COMMISSIONER AND SECRETARY
TO THE GOVERNMENT OF ASSAM
HOME (A) AND POLITICAL DEPARTMENT DISPUR
GUWAHATI- 781006.

3:THE SECRETARY TO GOVERNMENT OF ASSAM
TO THE GOVERNMENT OF ASSAM
HOME (A) POLITICAL DEPARTMENT
DISPUR GUWAHATI

Advocate for : IMSENKALA
Advocate for : GA
ASSAM appearing for THE STATE OF ASSAM AND TWO ORS

Linked Case : WP(C)/573/2025

ANAL JYOTI DAS
S/O- BINAY KUMAR DAS
VILL SANTINAGAR
P.O.- BALADMARI
P.S.- GOALPARA
DIST- GOALPARA
ASSAM-783121

VERSUS

THE STATE OF ASSAM AND ORS
REP. BY THE ADDITIONAL CHIEF SECRETARY TO THE GOVT. OF ASSAM
HOME AND POLITICAL DEPARTMENT
DISPUR
GUWAHATI-781006

2:THE COMMISSIONER AND SECRETARY
TO THE GOVT. OF ASSAM
HOME (A) AND POLITICAL DEPARTMENT
DISPUR
GUWAHATI-781006

3:THE SECRETARY TO GOVT OF ASSAM
TO THE GOVT. OF ASSAM
HOME (A) AND POLITICAL DEPARTMENT
DISPUR
GUWAHATI-781006

Advocate for : IMSENKALA
Advocate for : GA
ASSAM appearing for THE STATE OF ASSAM AND ORS

Linked Case : WP(C)/537/2025

HITESH MAZUMDAR
S/O- LATE ANANGA MOHAN MAZUMDAR
R/O- C/O BHAGABAN CH. DAS
NO.2 MATHGHARIA
MOTHER TERESA ROAD
NEAR SAI APARTMENT
P.O- NOONMATI
P.S- NOONMATI
ASSAM
781020

VERSUS

THE STATE OF ASSAM AND THREE ORS
REPRESENTED BY THE ADDITIONAL CHIEF SECRETARY TO THE
GOVERNMENT OF ASSAM
HOME AND POLITICAL DEPARTMENT
DISPUR
GUWAHATI-781006.

2:THE PRINCIPAL SECRETARY
TO GOVERNMENT OF ASSAM
PERSONNEL (A)
DEPARTMENT
BLOCK-A JANATABHAWAN
DISPUR
GUWAHATI- 781006

3:THE COMMISSIONER AND SECRETARY
TO GOVERNMENT OF ASSAM
PERSONNEL (A)
DEPARTMENT
BLOCK-A JANATABHAWAN
DISPUR
GUWAHATI
781006

4:THE SECRETARY TO GOVERNMENT OF ASSAM
PERSONNEL (A)
DEPARTMENT
DISPUR
GUWAHATI
781006

Advocate for : IMSENKALA
Advocate for : GA
ASSAM appearing for THE STATE OF ASSAM AND THREE ORS

Linked Case : WP(C)/572/2025

BIKASH SARMA
S/O- SRI NARAYAN CHANDRA SARMA
R/O- VILL BAMUNDI
P.O- BAMUNDI
P.S.- SUALKUCHI

DIST.- KAMRUP
ASSAM-781103

VERSUS

THE STATE OF ASSAM AND ORS
REP. BY THE ADDITIONAL CHIEF SECRETARY TO THE GOVT. OF ASSAM
HOME AND POLITICAL DEPARTMENT
DISPUR
GUWAHATI-781006

2:THE ADDITIONAL CHIEF SECRETARY
GOVT. OF ASSAM
CO-OPERATION DEPARTMENT
JANATA BHAWAN
DISPUR
GUWAHATI-781006

3:THE PRINCIPAL SECRETARY
TO THE GOVT. OF ASSAM
CO-OPERATION DEPARTMENT
ASSAM SECRETARIAT (CIVIL) DISPUR
GUWAHATI-781006

4:THE SECRETARY
TO THE GOVT OF ASSAM
COOPERATION DEPARTMENT
BLOCK-C 4TH FLOOR
JANATA BHAWAN
DISPUR GUWAHATI-781006

Advocate for : IMSENKALA
Advocate for : GA
ASSAM appearing for THE STATE OF ASSAM AND ORS

Linked Case : WP(C)/538/2025

DIPANKAR DUTTA LAHKAR
HOUSE NO 6
LAKSHMIPATH
RUPNAGAR
GUWAHATI
INDRAPUR
BHANGAGARH
KAMRUP METRO

ASSAM

VERSUS

THE STATE OF ASSAM AND ORS
REPRESENTED BY THE ADDITIONAL CHIEF SECRETARY TO THE
GOVERNMENT OF ASSAM
HOME AND POLITICAL DEPARTMENT
DISPUR
GUWAHATI

2:THE COMMISSIONER AND SECRETARY
TO THE GOVERNMENT OF ASSAM
HOME A AND POLITICAL DEPARTMENT
DISPUR
GUWAHATI

3:THE SECRETARY TO GOVERNMENT OF ASSAM
TO THE GOVERNMENT OF ASSAM
HOME A AND POLITICAL DEPARTMENT
DISPUR
GUWAHATI

Advocate for : IMSENKALA
Advocate for : GA
ASSAM appearing for THE STATE OF ASSAM AND ORS

Linked Case : WP(C)/561/2025

SAURAV PRAN SHARMA
S/O- SURESH CH SHARMA
R/O- BARPETA ROAD
RAMKRISHNA CENTRE ROAD
P.S.- BARPETA ROAD
DIST.- BARPETA
ASSAM-781315

VERSUS

THE STATE OF ASSAM AND ORS
REP. BY 6THE ADDITIONAL CHIEF SECRETARY TO THE GOVT. OF ASSAM
HOME AND POLITICAL DEPARTMENT
DISPUR
GUWAHATI-781006

2:THE JOINT SECRETARY
TO THE GOVT. OF ASSAM
EXCISE DEPARTMENT
DISPUR GUWAHATI 781006

2:THE COMMISSIONER AND SECRETARY
TO THE GOVERNMENT OF ASSAM
EXCISE DEPARTMENT
DISPUR
GUWAHATI-781006

3:THE SECRETARY
TO THE GOVERNMENT OF ASSAM
EXCISE DEPARTMENT
DISPUR
GUWAHATI-781006

Advocate for : IMSENKALA
Advocate for : GA
ASSAM appearing for THE STATE OF ASSAM AND ORS

Linked Case : WP(C)/541/2025

NITU MANI DAS
S/O RAMANI MOHAN DAS
RESIDENT OF FATASHIL AMBARI
AK DEV ROAD
NEAR TULA FACTORY
BYLANE SEWALI PATH
H NO 9
FATASHIL AMBARI
KAMRUP
ASSAM 781025

VERSUS

THE STATE OF ASSAM AND ORS
REPRESENTED BY THE ADDITIONAL CHIEF SECRETARY TO THE
GOVERNMENT OF ASSAM
HOME AND POLITICAL DEPARTMENT
DISPUR
GUWAHATI 781006

2:THE COMMISSIONER AND SECRETARY

TO THE GOVERNMENT OF ASSAM
HOME A AND POLITICAL DEPARTMENT
DISPUR
GUWAHATI

3:THE SECRETARY TO THE GOVERNMENT OF ASSAM
ASSAM
HOME A AND POLITICAL DEPARTMENT
DISPUR
GUWAHATI

Advocate for : IMSENKALA
Advocate for : GA
ASSAM appearing for THE STATE OF ASSAM AND ORS

Linked Case : WP(C)/566/2025

MRIDUL HAZARIKA
S/O HEMKANTA HAZARIKA

RESIDENT OF HOUSE NO 13
BHASKAR NAGAR
ZOO ROAD
BYE LANE 2
BAMUNIM Aidam
GEETANAGAR
KAMRUP
ASSAM 781021

VERSUS

THE STATE OF ASSAM AND ORS
REPRESENTED BY THE ADDITIONAL CHIEF SECRETARY TO THE
GOVERNMENT OF ASSAM
HOME AND POLITICAL DEPARTMENT
DISPUR
GUWAHATI

2:THE PRINCIPAL SECRETARY
TO THE GOVERNMENT OF ASSAM
SKILL
EMPLOYEMENT ENTERPRENEURSHIP DEPARTMENT
DISPUR GUWAHATI

3:THE SECRETARY TO GOVT OF ASSAM

SKILL EMPLOYEMENT ENTERPRENEURSHIP DEPARTMENT
DISPUR
GUWAHATI-781006

4:THE ADDITIONAL SECRETARY
TO THE GOVERNMENT OF ASSAM
SKILL EMPLOYEMENT ENTERPRENEUSHIP DEPARTMENT
DISPUR
GUWAHATI

Advocate for : IMSENKALA
Advocate for : GA
ASSAM appearing for THE STATE OF ASSAM AND ORS

Linked Case : WP(C)/540/2025

DHRUBAJYOTI HATIBARUAH
S/O ARUN HATIBARUAH
RESIDENT OF VILLAGE SEUJIA PATHAR
MACHKHOWA
DHEMAJI
ASSAM
787058

VERSUS

THE STATE OF ASSAM AND ORS
REPRESENTED BY THE ADDITIONAL CHIEF SECRETARY TO THE
GOVERNMENT OF ASSAM
HOME AND POLITICAL DEPARTMENT
DISPUR
GUWAHATI 781006

2:THE PRINCIPAL SECRETARY
TO GOVERNMENT OF ASSAM
PERSONNEL A
DEPARTMENT
BLOCK A JANATA BHAWAN
DISPUR
GUWAHATI

3:THE COMMISSIONER AND SECRETARY
TO GOVERNMENT OF ASSAM
PERSONNEL A
DEPARTMENT

BLOCK A
JANATA BHAWAN
DISPUR
GUWAHATI

4:THE SECRETARY TO GOVERNMENT OF ASSAM
PERSONNEL A
DEPARTMENT
DISPUR
GUWAHATI

Advocate for : IMSENKALA
Advocate for : GA
ASSAM appearing for THE STATE OF ASSAM AND ORS

Linked Case : WP(C)/562/2025

PUSHKAL GOGOI
S/O LATE PRADIP GOGOI

RESIDENT OF NO. 2
MIRIHULA VILLAGE
PO MORANHAT
PS MORANHAT
DIST DIBRUGARH
ASSAM 785670

VERSUS

THE STATE OF ASSAM AND ORS
REP. BY THE ADDITIONAL CHIEF SECRETARY TO THE GOVT. OF ASSAM
HOME AND POLITICAL DEPARTMENT
DISPUR
GUWAHATI-781006

2:THE COMMISSIONER AND SECRETARY
TO THE GOVT. OF ASSAM
HOME (A) AND POLITICAL DEPARTMENT
DISPUR
GUWAHATI-781006

3:THE SECRETARY TO GOVT OF ASSAM
TO THE GOVT. OF ASSAM
HOME (A) AND POLITICAL DEPARTMENT
DISPUR

GUWAHATI-781006

Advocate for : IMSENKALA

Advocate for : GA

ASSAM appearing for THE STATE OF ASSAM AND ORS

BEFORE
THE HON'BLE MR. JUSTICE ARUN DEV CHOUDHURY
ORDER

07.02.2025

1. Heard Mr. A. Chowdhury, learned Senior Counsel assisted by Ms. B. Chowdhury, learned counsel for the petitioners. Also heard Ms. M Bhattacharjee, learned Additional Senior Government Advocate, Assam representing the State respondents in WP(C) 532/2025, WP(C) 533/2025, WP(C) 534/2025, WP(C) 535/2025, WP(C) 536/2025, WP(C) 537/2025, WP(C) 539/2025, WP(C) 541/2025, WP(C) 542/2025, WP(C) 543/2025, WP(C) 562/2025, WP(C) 566/2025, WP(C) 568/2025, WP(C) 573/2025 & WP(C) 574/2025. Mr. S. K. Talukdar, learned Standing Counsel for the Co-operation Department in WP(C)/572/2025 & WP(C)/540/2025 and Mr. I Borthakur, learned Standing Counsel for the Excise Department in WP(C)/561/2025.
2. The present batch of writ petitions under Article 226 of the Constitution of India are filed assailing, firstly, the legality and validity of the Report dated 02.04.2022 submitted by the One Man Commission of Inquiry constituted by State relating to affairs of APSC and secondly, the legality and validity of show cause notices dated 14.11.2023, 30.11.2023, 03.06.2024 and 18.11.2024 respectively issued to the petitioners in purported exercise of power under Rule 9 of the Assam Services (Discipline & Appeal), Rules, 1964 read with Article 311 of the Constitution of India, primarily on the basis of findings of the Report of the

Commission of Enquiry dated 02.04.2022. The further challenge is the suspension orders dated 30.11.2023 and 29.05.2024 relating to respective petitioners except petitioner in WP(C) 562/2025, who was put under suspension in another case.

3. It is the contention of Mr. Chowdhury, learned Senior Counsel for the petitioners that the aforesaid Report has not yet been tabled before the Assembly in terms of Section 3(4) of the Commission of Enquiry Act, 1952 and therefore, show cause notice and the suspension of the petitioners solely on the basis of such an Enquiry Report dated 02.04.2022 is not at all legally sustainable. It is his contention that the only document on the basis of which the employer has placed reliance in the proposed proceeding is the enquiry report dated 02.04.2022 and the same is also not served to the petitioners. Accordingly, he prays for an interim order to stay the show cause notices dated 14.11.2023, 30.11.2023, 03.06.2024 and 18.11.2024 as well as the suspension orders dated 30.11.2023 and 29.05.2024.
4. Mr. Chowdhury, learned Senior Counsel for the petitioner in support also relies on the interim order passed by the Coordinate Bench in WP(C)/5862/2024 and WP(C)/6191/2024 in similar circumstances.
5. Ms. M Bhattacharjee, learned State counsel on the other hand seeks further time to complete her instruction. Mr. S.K. Talukdar, learned Standing Counsel for respondent Co-operation Department in WP(C) 540/2025 & WP(C) 572/2025 argues that the validity of the enquiry report can be determined at the time of hearing inasmuch as there is no bar under the Commission of Enquiry Act, 1952 to proceed with a departmental enquiry on the basis of the findings arrived at by the Enquiry Commission. According to him, the petitioner shall have all opportunity to respond to such show cause notice issued. The prescription under Section 3(4) of the Act, 1952 is not mandatory inasmuch as the object of such prescription of placing the enquiry report before the State Assembly, is to bring it

to the public domain and therefore there cannot be any nexus between the departmental proceeding and the action of the State in not placing the enquiry report before the State Assembly argues Mr. S K Talukdar, learned Standing Counsel for the respondent Co-operation Department.

6. Issue notice, returnable on 19.02.2025.
7. Ms. M Bhattacharjee, learned Govt. Advocate accepts notice on behalf of all the respondents in connection with WP(C) 532/2025, WP(C) 533/2025, WP(C) 534/2025, WP(C) 535/2025, WP(C) 536/2025, WP(C) 537/2025, WP(C) 539/2025, WP(C) 541/2025, WP(C) 542/2025, WP(C) 543/2025, WP(C) 562/2025, WP(C) 566/2025, WP(C) 568/2025, WP(C) 573/2025 & WP(C) 574/2025, Mr. SK Talukdar, learned standing counsel for the Cooperation Department accepts notices on behalf of all the respondents in connection with WP(C) 540/2025 & WP(C) 572/2025 and Mr. I Borthakur, learned standing counsel for the Excise Department accepts notices on behalf of all the respondents in connection with WP(C) 561/2025. As all respondents are duly represented through their respective counsels, no formal notice need be issued to the said respondents. However, extra copies of these writ petitions in required numbers be furnished to them by the petitioner.
8. Considered the interim prayer.
9. The show cause notices dated 14.11.2023, 30.11.2023, 03.06.2024 and 18.11.2024 were issued by the employer of the petitioners under Rule 9 of the Assam Services (Discipline & Appeal), Rules, 1964 read with Article 311 of the Constitution of India. The aforesaid show cause notices reflect that the departmental proceeding was initiated on the basis of report of One Man Commission. It is the allegation that the petitioners are beneficiaries of anomalies and mal practices carried out by APSC and the petitioners secured the job for which they were not qualified as found by the Commission. The statement of

allegation also reveals that the proposed disciplinary proceeding was based on the report of the One Man Commission and the list of documents relied on by the employer is only the report of One Man Commission. It is an admitted position at this stage that listed documents i.e. report of the One Man Commission was not furnished to the petitioners. It is also not disputed at this stage that the Commission was constituted on 08.07.2019 under the provision of Section 3(1) of the Act, 1952 to enquire into allegation of anomalies and mal practices in conduct of APSC examination. Though a challenge is made to the report of the Commission itself for alleged procedural lapses and violation of Section 8(B) and Section 8(C) of the Act, 1952, same is not being considered at this stage, which shall be a subject matter of final deliberation. But what is important to note at this stage is that in terms of Section 3 (4) of the Act, 1952, the State Government is to lay such report of Commission with a memorandum of action taken thereon within a periods of six months on submission of Report by the government. Prima facie, it appears to this court that purpose of placing a Commission of Enquiry Report before the Legislative Assembly is to ensure transparency and accountability by making the findings of enquiry report public and to allow elected representative to scrutinize the report to take necessary actions based on the recommendation. In the case in hand, firstly, such report has not yet been placed before the Assembly, secondly such report, though is the sole basis of initiating the department proceeding and resultant suspension, however, same is still not in public domain nor it has been supplied to the delinquent employers/ writ petitioners.

10. Therefore in the aforesaid backdrop, in the considered opinion of this Court, the departmental proceeding, which are solely based on findings of such report cannot be allowed to proceed, more particularly, in absence of furnishing such document to the delinquent employees, which admittedly is the only documents relied on by the authorities. The fact also remains that in some similar

circumstances Coordinate Benches had already stayed the show cause notices/ departmental proceeding as well as the suspension orders.

11. Therefore, this Court is of the opinion that the petitioners have been able to make prima-facie case for stay the show cause notices dated 14.11.2023, 30.11.2023, 03.06.2024 and 18.11.2024. Balance of convenience is also in favour of the petitioners for the reason that the proceeding has not reached an advance stage and is at the initial stage. If the proceedings are allowed to be continued, the petitioners shall face irreparable loss and injury inasmuch as they will have to respond to the show cause in absence of the copy of the enquiry report, which is the sole basis of the departmental proceeding initiated.
12. Accordingly, it is ordered that the impugned show cause notices dated 14.11.2023, 30.11.2023, 03.06.2024 and 18.11.2024 shall remain suspended.
13. The suspension orders being relatable to such departmental proceeding and such orders also discloses that the whole basis of such suspension is the enquiry report and therefore, the petitioners shall not have any scope to interfere or influence such record. Accordingly, for the similar reason as recorded hereinabove, the orders of suspension dated 30.11.2023 and 29.05.2024 except the order of suspension of the petitioner in WP(C) 562/2025 are stayed.
14. The respective petitioners except the petitioner in WP(C) 562/2025 be reinstated in service within a period of three weeks from today. However, it is made clear that the employers shall be at liberty to post them in a place where the employers desire and in public interest.

JUDGE

Comparing Assistant